

HB 4736

Committee on Families and Children's Services

Testimony by: Stacie Bladen

Office of Children's Ombudsman

6/13/07

My name is Stacie Bladen and I'm here on behalf of the Office of Children's Ombudsman. My testimony is brief, and I'd be happy to answer questions you may have. The Office of Children's Ombudsman opposes HB 4736 for the following reasons.

DHS policy and foster home licensing rules are adequate.

- 1) DHS policy and training stress the importance of respecting and accommodating a child and family's religious practices. (DHS policy CFF 722-2 – attached)
- 2) Licensing rules for child placing agencies already require the agency to consider a child and a child's family's religious preference when selecting a foster care placement. Religion is one of the placement selection criteria. (Licensing Rule 400.12404 and DHS policy CFF 722-3)
- 3) Licensing rules require an agency to have policy that at minimum ensures the foster child has the opportunity to receive religious instruction and attend religious services of the parent's or child's choosing. (Licensing Rule 400.12407)
- 4) DHS Licensing Rule Interpretations specify that workers should inform foster parents about a child's habits, including food preferences, which may be determined by religious beliefs. (Licensing Rule Interpretations.)

Giving preference to religious congruity above other placement selection criteria in all cases may not adequately consider a child's unique needs.

- 5) Existing DHS policy governing placement selection considers each child's unique needs and circumstances and encourages comprehensive assessment of all the factors that impact child wellbeing. Policy requires workers to assess several factors when deciding on placement and states, "Depending upon the individual circumstances in each case, including the specific needs of the child, certain factors may be given more weight than others in selecting the most suitable out-of-home placement. In no case is any one factor to be given sole consideration." (DHS policy CFF 722-3)

The proposed law is not consistent with OCO complaints or findings.

- 6) The OCO has not received complaints, in any significant number, alleging that an agency failed to consider a family's religious preferences when making a placement decision.

- 7) In the vast majority of cases we have investigated, when asked about religious preference by the child placing agency, families either indicated they had no preference, or they identified a religious affiliation, but made no specific requests for religious expression.
- 8) Adequate administrative remedies exist to address a family's concern that an agency has not adequately accommodated a child's religious preferences.

Thank you very much for the opportunity to testify on this matter and your willingness to consider the information presented.

ADMINISTRATIVE RULES FOR CHILD PLACING AGENCIES

Policies and Procedures

1973 PA 116, as amended, provides for the protection of children through the licensing and regulation of child care organizations and for the establishment of standards for child care in the form of administrative rules. (See CFF 721 for legal citations.)

The following policies reflect and implement selected administrative rules for child placing agencies. these are not administrative rules but DHS policies designed to ensure compliance with rules.

Religion

Services from supervising agencies are available to all children, regardless of the religious orientation of the child(ren) or parent(s). The agency must not require a child to attend church services or to follow specific religious training. The agency will attempt to fulfill parental wishes whenever possible, while taking into consideration the child's feelings and desires. If there is disagreement between the parents and child, parental wishes prevail.

Foster parents are expected to take into consideration the child's religious preference, especially when the child has established a pattern of religious belief and practice. Foster parents assume the responsibility for providing opportunities for religious education and attendance at religious services in accordance with the religious preference of the child and/or parent(s).

Children may not be refused the right to attend the church denomination of their choice, unless there are specific safety concerns. A decision that the child may not attend a specific religious denomination service must be approved by the county director or designee. Children may not be required to attend the church preferred by the foster parent.

Private agencies under contract with the department may not impose their religious beliefs on children in their care. Supervising agencies must also ensure the foster parents do not impose their beliefs or practices on the children in their home. (Rule 400.12407)

Mail

All children in the care of the department, or in the care of a private agency under contract with the department, are permitted to send and receive mail. The child's letters shall not be read by others, except where there is clear and convincing evidence to justify such action. If there is justification for opening a letter, the child shall be present when the letter is opened. **The caseworker must be available to the child when mail with potentially distressing content is presented.** Packages are exempt from the prohibition against inspection. The practices of private agencies under contract with DHS or the practices of their

